

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 309 and 12155.5 of the Fish and Game Code, and to implement, interpret or make specific Sections 309, 7852.2, 8254.7, 8280.4, 8422, 8423.5, 8562, 8569, 12154, 12155, 12155.5 and 12156, of said Code, proposes to amend Section 746, Title 14, California Code of Regulations, relating to Procedures for License or Permit Revocations, Suspensions, Reinstatements, Transfers or Waivers of Renewal Requirements Including Hunting and Sport Fishing License or Permit Privileges.

Informative Digest/Policy Statement Overview

Current law (Sections 309 and 12155.5, Fish and Game Code) provides that the Commission has the authority to adopt regulations that afford procedural and substantive due process to any person whose license or permit is subject to revocation or suspension.

Current regulations in sections 745.5 and 746, Title 14, CCR, outline the procedures governing the revocation, suspension, transfer, reinstatement or waiver of renewal requirements for a license or permit, including hunting and sport fishing license or permit privileges.

Current regulations are silent concerning the issue of rescheduling of appeal hearings. Because of increasing requests to reschedule appeal hearings, the Commission is proposing to add a provision addressing "continuances" for appeal hearings.

Current regulations specify that the Commission's president may appoint a Commissioner, the Commission's legal counsel, or a member of the State Bar of California with at least ten years' experience in the active practice of law and determined as qualified by the President, to serve as a hearing officer. The Commission is proposing to add a former Executive Director of the Commission to the list of persons who may be appointed as a hearing officer.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Council Chambers, Madison Street at Pacific Street (Across from 399 Madison St.), Monterey, California on Friday, April 7, 2006, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before March 30, 2006, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 5, 2006. All comments must be received no later than April 7, 2006, at the hearing in Monterey, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sheri Tiemann at the preceding address or phone number. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This proposal outlines the procedures to request a continuance of an already scheduled appeal hearing and will allow the Commission to appoint a former Executive Director of the Commission as a hearing officer.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: February 7, 2006

John Carlson, Jr.
Executive Director